

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent and Trademark Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number: 09/997,240  
Filing Date: November 30, 2001  
First Named Inventor: YAN, et al.  
Group Art Unit: 1632  
Examiner: WOITACH, Joseph T.  
Attorney Docket Number: 967039.00001

SIR:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a Continued Prosecution Application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

1. Submission required under 37 C.F.R. § 1.114
  - a. ☐ Previously submitted
    - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on
    - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
    - iii. ☐ Other
  - b. ☒ Enclosed
    - i. ☒ Amendment/Reply
    - ii. ☐ Affidavit(s)/Declaration(s)
    - iii. ☐ Information Disclosure Statement (IDS)
    - iv. ☐ Other
2. Miscellaneous
  - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
  - b. ☐ Other
3. Fees (The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.)
  - a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0622.
    - i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
    - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
    - iii. ☐ Other
  - b. ☒ Check in the amount of \$ 905.00 enclosed.
  - c. ☐ Payment by credit card (Form PTO-2038 enclosed).

10/07/2005 MBEYENE1 00000027 09997240

01 FC:2801

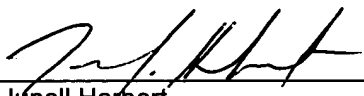
395.00 0P

Page 2  
Application Serial No. 09/997,240  
Docket No. 967039.00001

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 50-0622. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,

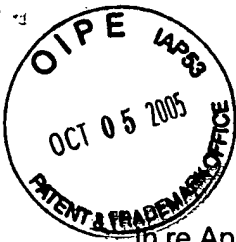
REED SMITH LLP

  
\_\_\_\_\_  
Toni-Junell Herbert  
Reg. No. 34,348

Date: 10/5/05

1301 K Street, N.W.  
Suite 1100 – East Tower  
Washington, D.C. 20005-3373





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yan et al.

Application No.: 09/997,240  
Filed: November 20, 2001  
For: Isolated Homozygous Stem Cells,  
Differentiated Cells Derived Therefrom, and  
Materials for Making and Using Same

Art Unit: 1632

Atty. Docket: 967039.00001

**SUBMISSION OF VERIFIED STATEMENT  
CLAIMING SMALL ENTITY STATUS  
UNDER 37 C.F.R. §§ 1.9(d) AND 1.27(b)  
AND REQUEST FOR REFUND**

U.S. Patent and Trademark Office  
Customer Window, Mail Stop 16  
Randolph Building  
Alexandria, VA 22314

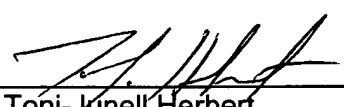
Sir:

Applicants hereby submit to the U.S. Patent and Trademark Office a Verified Statement Claiming Small Entity Status.

On December 15, 2004, a Petition for an Extension of Time Under 37 C.F.R. §1.136 for the above-identified matter along with a payment via check in the amount of \$1,020.00 (fee for large entity) was submitted to the USPTO. Therefore, it is hereby respectfully requested that \$510.00 be refunded to Applicants Deposit Account No. 50-0622 due to clerical error.

Respectfully submitted,  
REED SMITH LLP

By: \_\_\_\_\_

  
Toni-Junell Herbert  
Reg. No. 34,348

Date: \_\_\_\_\_

10/5/05

# ReedSmith

Toni-Junell Herbert  
Direct Phone: 202-414-9203  
Email: [therbert@reedsmith.com](mailto:therbert@reedsmith.com)



Reed Smith LLP  
1301 K Street, N.W.  
Suite 1100 – East Tower  
Washington, D.C. 20005-3373  
202.414.9200  
Fax 202.414.9405

October 5, 2005



Commissioner Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Application Serial No.: 09/997,240  
Filed: November 30, 2001  
For: Isolated Homozygous Stem Cells, Differentiated Cells Derived Therefrom, And  
Materials And Methods For Making And Using Same  
Inventors: Yan, et al.  
Attorney Docket No.: 967039.00001

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Petition for Three Month Extension of Time Under 37 C.F.R. § 1.136;
2. Response with One Exhibit;
3. Request for Continued Examination (RCE) under 37 C.F.R. § 1.114;
4. Examiner Interview Summary;
5. Terminal Disclaimer;
6. Check in the amount of \$905.00 ( fee to cover 3 month extension of time \$510.00 and fee to cover RCE \$395.00 (small entity));
7. Submission of Verified Statement Claiming Small Entity Status and Request for Refund;
8. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Respectfully submitted,

Toni-Junell Herbert  
Reg. No. 34,348

Encl.

LONDON • NEW YORK • LOS ANGELES • SAN FRANCISCO • WASHINGTON, D.C. • PHILADELPHIA • PITTSBURGH • OAKLAND • PRINCETON  
FALLS CHURCH • WILMINGTON • NEWARK • MIDLANDS, U.K. • CENTURY CITY • RICHMOND • HARRISBURG • LEESBURG • WESTLAKE VILLAGE

[reedsmith.com](http://reedsmith.com)

DCLIB-446528.1-MDORSEY 10/5/05 4:11 PM



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Yan *et al.*

Appl. No. 09/997,240

Filed: November 20, 2001

For: Isolated Homozygous Stem Cells,  
Differentiated Cells Derived Therefrom, and  
Materials and Methods for Making and Using  
Same

Art Unit: 1632

Examiner: Voitach, Joseph T.

Atty. Docket: 967039.00001  
(0249-0001)

**Summary of Interview Between Applicants' Representative and the Examiner**

The following is a summary of the Examiner interview held on December 13, 2004. The Examiner indicated at the end of the interview that he would provide a summary. However, the Applicants have not received a summary and herewith submit a summary of the interview. The interview was in person and the following people attended:

Examiner Joseph T. Voitach (USPTO)

Tamara Yorita (Reed Smith, LLP).

Several issues were discussed during the interview. First, we discussed the phrase "derived from." Examiner Voitach indicated that "obtained from" may be a suitable alternative. We also discussed the term "homozygous." Examiner Voitach indicated that the language of claim 1 would include art cited by the Examiner in the outstanding Office action. We then discussed how the present invention yields homozygous chromosomes. In particular, it was pointed out that at the stage where the oocyte replicates is after any crossing over would have occurred. Examiner Voitach also pointed out that providing information regarding the successful use of the methods to create homozygous stem cells would aid in any possible 112

rejections. Finally, we discussed the 102(b) rejections. The Examiner stated that the claims to "an isolated homozygous stem cell" would cover the stem cells disclosed in the cited references (Thomson, Doetschman, Evans, and Saito), but indicated that if the claims were further defined or limited to parthenogenetic activation, the rejections may be overcome.

Respectfully submitted,

Reed Smith, LLP

A handwritten signature in cursive script, appearing to read "Tamara Yorita", followed by a horizontal line extending to the right.

By: Tamara Yorita  
Reg. No. 53,813

Dated: 10-05-05

1301 K Street, N.W.  
Suite 1100 – East Tower  
Washington, D.C. 20005  
(202) 414-9200